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Via ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Stephen Calk, 19 Cr. 366 (LGS), Request to Travel

Dear Judge Schofield:

We write on behalf of Stephen M. Calk to respectfully request a temporary modification to the conditions of his release pending appeal in the above-referenced matter. Mr. Calk seeks this modification so that he can take his three children on a one-week cruise with ports of call outside the United States. Mr. Calk's travel is currently restricted to the continental United States and he has surrendered his passport. (*See* Dkt. No. 8). Pre-trial Services has advised that it takes no position on this request. The government advises that it opposes the request.

Mr. Calk is on bail pending appeal pursuant to the Court's finding, pursuant to 18 U.C.S. § 3143(b), that he does not pose a risk of flight and that his appeal will likely raise substantial questions. The sentence that Mr. Calk faces if his appeal is denied is one year and one day of incarceration. Mr. Calk voluntarily surrendered in May 2019 and has already spent nearly three years on bail without incident of any kind.

The travel that Mr. Calk is requesting is a graduation present for his daughter, who will be graduating from high school this spring. It will also be a belated graduation present for Mr. Calk's son, who graduated high school last year at the height of the pandemic and is currently attending the United States Military Academy at West Point. If permitted to travel, Mr. Calk intends to book a one-week cruise in the Caribbean in late June and/or early July, with total travel time of approximately 10 days. Mr. Calk would provide the exact itinerary to his Pre-trial Services officer after he books

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the trip. If the Court grants the request, undersigned counsel will make the necessary arrangements to retrieve Mr. Calk's passport from Pre-trial Services immediately before the requested travel and return it promptly upon his return.

We respectfully submit that given the specific facts and circumstances present here, with which the Court is fully familiar, there is no basis to prohibit Mr. Calk's requested travel. Under the Bail Reform Act, courts must impose the "least restrictive" conditions of bail necessary to "reasonably assure" a defendant's appearance. 18 U.S.C. § 3142(c)(1)(B); 18 U.S.C. § 3143(b)(1)(A) (conditions of release governed by 3142(c)). Conditions of bail are not intended to be punitive. The punishment that Mr. Calk will receive if his conviction is upheld is fully set forth in the sentence handed down by the Court. There is no plausible basis to be concerned that Mr. Calk will become a fugitive at this time. Accordingly, we respectfully request that the Court grant this limited modification of the conditions of Mr. Calk's release.

Respectfully submitted,

/s/ Paul H. Schoeman

Paul H. Schoeman

cc: All Counsel (by ECF)